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PATENT

Attorney Reference Number 4239-67287-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pastan *et al.*

Application No. 10/537,061

Filed: June 1, 2005

Confirmation No. 2145

For: RECOMBINANT IMMUNOTOXIN AND  
USE IN TREATING TUMORS

Examiner: Not yet assigned

Art Unit: 1653

Attorney Reference No. 4239-67287-05

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent  
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Date Mailed November 8, 2005

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TRANSMITTAL LETTER

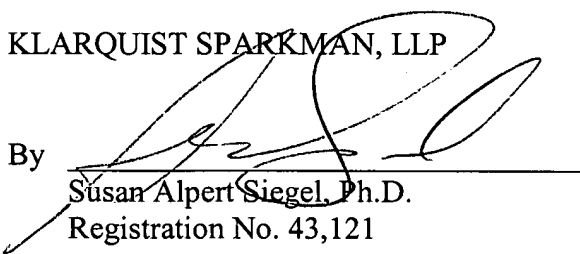
Enclosed for filing in the application referenced above are the following:

- ☒ Supplemental Information Disclosure Statement
- ☒ Form 1449 and copies of references cited thereon (6)
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

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By

  
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cc: Docketing

TRANSMITTAL - Page 1 of 1



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. § 1.97(b)(3)**

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ALEXANDRIA, VA 22313-1450

Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

Copies of United States patents and United States published patent applications do not have to be provided to the Patent Office (37 C.F.R. 1.98(a)(2)(ii)). Copies of unpublished U.S. applications do not have to be provided, as long as the application is available on PAIR, as this requirement of 37 C.F.R. § 1.98(a)(2)(iii) has been waived by the United States Patent and Trademark Office pursuant to the Official Gazette Notice on October 19, 2004 (1287 OG 163). Applicants will provide copies of such patents or applications upon request.

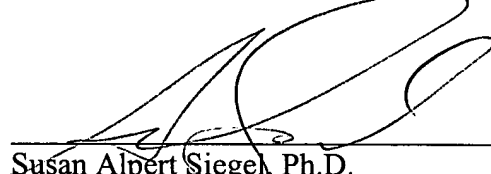
Applicants filed this Information Disclosure Statement ("IDS") before the mailing date of a first Office action on the merits. As a result, no fee should be required to file this IDS.

However, if the Patent Office determines that a fee is required for Applicants to file this IDS, authorization to charge any such fees to Deposit Account No. 02-4550 is provided on the accompanying transmittal letter.

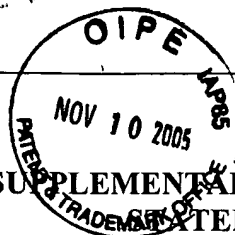
The filing of this IDS shall not be construed to be an admission that the information cited in the statement is, or is considered to be, prior art or otherwise material to patentability as defined in 37 C.F.R. §1.56.

Respectfully submitted,

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# **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

Attorney Docket Number	4239-67287-05
Application Number	10/537,061
Filing Date	June 1, 2005
First Named Inventor	Pastan
Art Unit	1653
Examiner Name	Not yet assigned

## **U.S. PATENT DOCUMENTS**

Copies of U.S. Patent documents do not need to be provided, unless requested by the Patent and Trademark Office. For patents, provide the patent number and the issue date. For published U.S. applications, provide the publication number and the publication date. For unpublished pending patent applications, provide the application number and the filing date.

Examiner's Initials*	Cite No. (optional)	Number	Publication Date	Name of Applicant or Patentee
		2002/0102264	1 Aug 2002	Cheung

## **FOREIGN PATENT DOCUMENTS**

Examiner's Initials*	Cite No. (optional)	Country	Number	Publication Date	Name of Applicant or Patentee
		WIPO/PCT	WO 02/32375	25 April 2002	Cheung

Examiner's Initials*	Cite No. (optional)	OTHER DOCUMENTS
		CHEUNG <i>et al.</i> , "Anti-Idiotypic Antibody as the Surrogate Antigen for Cloning acFv and its Fusion Proteins," <i>Hybridoma and Hybridomics</i> , 21(6):433-443, 2002
		CHEUNG <i>et al.</i> , "Anti-Idotypic Antibody Facilitates scFv Chimeric Immune Receptor Gene Transduction and Clonal Expansion of Human Lymphocytes for Tumor Therapy," <i>Hybridoma and Hybridomics</i> , 22(4):209-218, 2003
		MODAK <i>et al.</i> , "Disialoganglioside GD2 and a novel tumor antigen: potential targets for immunotherapy of desmoplastic small round cell tumor," <i>Med. Pediatr. Oncol.</i> 39:547-551, 2002
		MODAK <i>et al.</i> , "Radioimmunotargeting of Human Rhabdomyosarcoma Using Monoclonal Antibody 8H9," <i>Cancer Radiother Biopharm</i> 20(5):534-546, 2005
		ONDA <i>et al.</i> , "In vitro and in vivo cytotoxic activities of recombinant immunotoxin 8H9(Fv)-PE38 against breast cancer, osteosarcoma, and neuroblastoma," <i>Cancer Research</i> 64:1419-1424, 2004

EXAMINER SIGNATURE:	DATE CONSIDERED:
* Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.	